

MINUTES

REGULAR MEETING OF THE NEWTON CITY COUNCIL – FEBRUARY 16, 2010

The regular meeting of the Newton City Council was held on Tuesday, February 16, 2010 at 7:00 p.m. in the Council Chambers at City Hall with the following present: Mayor Robert A. Mullinax and Council Members Wayne Dellinger, Mary Bess Lawing, Tom Rowe, Bill Lutz, Robert C. Abernethy, Jr., and Mayor Pro Tem Anne Stedman.

Also in attendance were City Manager Todd Clark, City Attorney Larry Pitts, City Clerk Beunice R. "Bootsie" Roberts, members of the Management Team, City Department Heads, Assistant Planning Director Alex Fulbright, and Brian J. Vinciguerra, Newton-Conover Health Science High School Teacher and the Astronomy Club Advisor.

ITEM 1. CALL TO ORDER – ROBERT A. MULLINAX:

Mayor Mullinax called the meeting to order and welcomed everyone to the meeting.

ITEM 2. OPENING – COUNCIL MEMBER BILL LUTZ:

Council Member Bill Lutz gave the invocation and led the audience in the Pledge of Allegiance.

ITEM 3. APPROVAL OF MINUTES FROM THE FEBRUARY 2, 2010 REGULAR COUNCIL MEETING:

A motion was made by Council Member Mary Bess Lawing, seconded by Mayor Pro Tem Anne Stedman, and unanimously adopted to approve the minutes of the February 2, 2010 meeting as submitted.

ITEM 4. CONSIDERATION OF CONSENT AGENDA ITEMS:

Mayor Mullinax mentioned the success of the Annual Unity Day Celebration event and thanked all who played a part in it. He also mentioned that Lindsay Robins volunteered her services during the Unity Day Celebration and enjoyed it so much. Mayor Mullinax said that Ms. Robins has been a faithful volunteer and has requested consideration for membership in the Festival and Events Committee. He thanked Ms. Robins publicly for her willingness to serve on a City committee.

A motion was made by Mayor Pro Tem Anne Stedman, seconded by Council Member Tom Rowe, and unanimously adopted to approve the Consent Agenda Items as submitted.

A. Sewer Adjustments – February 2010

The adjustment is recommended as a result of a water leak at the service address or a pool fill up.

Account Number	Name	Service Address	Adjustment Period	Amount of Adjustment
30000180.96	Javier Sanchez	538 W 12 th St	Nov	\$11.28

19000255.96	Leonard Geddes	1022 Thistle Court	Dec	\$659.81
3000060.94	Facundo Chavez	332 S Brady Ave	Dec/Jan	\$46.00

B. Consideration of an Ordinance to Amend the Revenues and Expenditures for Fiscal Year 2009-2010 for Narcotics Assistance

(ORDINANCE #2010-2 IS HEREBY REFERENCED AND ON FILE IN THE OFFICE OF THE CITY CLERK)

C. Appointment of Lindsay Robins to the Festival and Events Committee

ITEM 5. PUBLIC HEARING:

A. Consideration of an Annexation Ordinance Pursuant to NCGS 160A-31 as submitted by Julie Ingle

Mayor Mullinax recessed the Council meeting and called to order a public hearing, as previously scheduled and advertised, to extend the corporate limits of the City of Newton as requested by Ms. Julie Ingle.

Mayor Mullinax asked if there was anyone in audience who wanted to speak regarding the voluntary contiguous annexation petition and no one appeared to speak on the matter.

Mayor Mullinax closed the public hearing and called the Council meeting back into session. The Council presented no comments on the annexation.

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Robert C. Abernethy, Jr., and unanimously adopted to approve an ordinance to extend the corporate limits of the City of Newton as requested by Ms. Julie Ingle.

(ORDINANCE #2010-3 IS HEREBY REFERENCED AND ON FILE IN THE OFFICE OF THE CITY CLERK)

ITEM 6 COMMENTS FROM THE PUBLIC: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):

Mayor Mullinax asked if there was anyone in the audience who wanted to speak on a non-agenda item.

Michael Willard, Publisher of the Observer News Enterprise, announced an exciting ongoing project sponsored by the Observer News Enterprise and would be included in their 2010 Annual Progress Edition. Mr. Willard said that the Progress edition would be different this year because it will include information about progress to be made in the new millennium, and the great progress that has been made in government, education, downtown businesses, and with new industries.

Mr. Willard said that one of the new features would be the “Unsung Heroes” which is to salute/praise city employees, city leaders, long-time volunteers, or someone in the community who has done great things, but never recognized. Mr. Willard requested that the Mayor and Council think about individuals in the community and nominate them for the “Unsung Heroes” section in the upcoming Progress Edition.

Mayor Mullinax said that the “Unsung Heroes” is a very worthy opportunity and he encouraged the Council to honor Mr. Willard’s request. Mr. Willard indicated that the response to nominate individuals has been very slow and that he would appreciate the Mayor and Council’s nominations. Mayor Mullinax thanked Mr. Willard for his remarks and ended by saying, “people in Newton work hard everyday.”

ITEM 7. OLD BUSINESS:

A. Consideration of acceptance of the City of Newton’s Stormwater Management Program Report and authorization for Mayor to execute NPDES Stormwater Permit Renewal Application

Assistant Planning Director Alex Fulbright reported that the amendments to the Stormwater Management Program reflect the rules that the State did not have in place when the Stormwater Program was originally set up. He said that the Stormwater Management Program Report documents the measures that the City will take to meet the requirements of the Phase II Stormwater Program.

Mr. Fulbright gave a brief background and review on the Stormwater Management Program stating that the Staff was issued a Stormwater Permit under the Phase II NPDES Program effective July 1, 2005. He said the permit would expire at midnight on June 30, 2010. Mr. Fulbright said that the State requires the City to submit a renewal application prior to February 28, 2010 and that the application should include a Stormwater Management Program Report.

Mr. Fulbright said that the Stormwater Management Program Report is required to address six minimum program elements: Public Education and Outreach, Public Involvement and Participation, Illicit Discharge Detection and Elimination, Construction Site Runoff Controls, Post-Construction Site Runoff Controls, and Pollution Prevention and Good Housekeeping for Municipal Operations. He said that the Stormwater Management Program report was prepared to meet the minimum requirements of the Phase II National Pollutant Discharge Elimination System (NPDES) Program, and requested that the Council accept the report and authorize the Mayor to sign the application to renew the City’s National Pollutant Discharge Elimination System (NPDES) Program Phase II Permit.

A motion was made by Mayor Pro Tem Anne Stedman, seconded by Council Member Tom Rowe, and unanimously adopted to accept the City of Newton Stormwater Management Program report and authorize the Mayor to execute the National Pollutant Discharge Elimination System (NPDES) Program Phase II Permit Renewal application.

ITEM 8. NEW BUSINESS:

A. Consideration of the Astronomy Club of the Newton-Conover Health Science High School Project Proposal – Brian J. Vinciguerra, Teacher and Advisor

Mayor Mullinax introduced Brian Vinciguerra from the Newton-Conover Health Science School - teacher and Astronomy Club Advisor.

Mr. Vinciguerra said that he and the students from the Newton-Conover Health Science School are requesting that the Council approve a proposal for a model solar system to be created along Main Avenue in the City of Newton. Mr. Vinciguerra said that the goal of the solar system project is to encourage the citizens to learn more about outer space. He said that the students in the Astronomy Club were inspired by a popular television show, and have recognized the importance of astronomy and how it relates to the human race as it continues to move forward in terms of technology and survival. He demonstrated, with a video and power point, a message on astronomy by Professor Stephen Hawking, who expressed the necessity of space exploration.

Mr. Vinciguerra said that the students would use sidewalk chalk to create to-scale images of the sun and the nine most-known planets along the sidewalk of Main Avenue so that the distances between objects also match that scale. Mr. Vinciguerra said that the students would be broken into ten teams with each focusing on one of the ten (10) celestial bodies to be included in the model, and that each student will be responsible for drawing the scale picture of the heavenly body and writing important information about the object on the sidewalk.

Mr. Vinciguerra said that the students have been working on the project since November 2009 and are very excited about it. Mr. Vinciguerra said that he would be responsible for all expenses and if approved, implementation would begin on either March 13 or March 20, depending on the weather forecast.

Council Member Robert Abernethy, Jr. said that he is a member of the Catawba Valley Astronomy Club and encouraged Mr. Vinciguerra and his students to contact the club to develop a relationship.

Council Member Wayne Dellinger asked how the citizens would see the planets. Mr. Vinciguerra said that a video and documentation would be provided to the City and it could possibly be placed on the City's website.

Mayor Mullinax encouraged Mr. Vinciguerra to get involved with the Catawba County Historical Association as well. He said that the Council supports this effort and would help anyway they could.

Mr. Vinciguerra informed the Council that several of the Astronomy Club students are also involved in the City of Newton's Teen Leadership Program.

A motion was made by Council Member Robert C. Abernethy, Jr., seconded by Council Member Wayne Dellinger, and unanimously adopted to approve the solar system project proposal submitted by the Astronomy Club from the Newton-Conover Health Science School.

B. Consideration of adoption of amendments to the City of Newton Water Shortage Response Plan

Director of Public Works and Public Utilities Wilce Martin reported that in 2007, the City adopted a Water Shortage Response Plan that encountered several changes throughout the years. He said the amendments were submitted to the North Carolina Division of Water Resources for a preliminary review on August 5, 2008. Mr. Martin said that he was notified by the State on January 12, 2010 that specific deficiencies in the plan were discovered. Mr. Martin said that it is not unusual for these types of Water Shortage Response Plans to require amendments due to changes in regulations and State Statutes.

Mr. Martin said that he reviewed the changes and incorporated them into the current Water Shortage Response Plan for further review. Mr. Martin said that after further review from the State representative, he was recently contacted that the amendments were acceptable and approved. Mr. Martin said that City Attorney Larry Pitts approved the amendments and he recommended that the Council approve them. Therefore, Mr. Martin recommended that the Council adopt the amended Water Shortage Response Plan.

Mayor Mullinax said that there were concerns when the plan was first adopted, and asked did the amendments make a material change to the plan, such as gallons of water flowing to the river or are there any changes that should be communicated to the citizens.

Mr. Martin said not at this time, that are just a few changes in using the wording "Catawba River" instead of "Jacob Fork River" and that the triggers in the plan had not changed.

A motion was made by Council Member Bill Lutz, seconded by Robert C. Abernethy, Jr., and unanimously adopted to approve the amendments to the Water Shortage Response Plan.

C. Report on Regional Assistance to Firefighters Grant and consideration of Budget Ordinance to Amend Revenues and Expenditures for FY 2009-2010.

Fire Chief Kevin Yoder reported that the City of Newton Fire Department participated with other fire departments and rescue squads to apply for a regional grant under the Assistance to Firefighters Grant Program. He said that the grant was awarded to fourteen (14) fire departments and five (5) rescue squads in Catawba County.

Chief Yoder said that the grant would provide funding to purchase communications equipment such as portable and mobile radios to meet future FCC guidelines and to insure interoperability of all emergency services throughout Catawba County.

Chief Yoder said that the cap project amount of the grant is \$1,004,954 for all the fire departments and rescue squads participating, with the City of Newton to receive \$67,500, with a share amount of \$3,375 by the City. Chief Yoder said that Catawba County's share of the grant for the City of Newton is 15% and the City of Newton's share is 5%. He reviewed the listing of agencies participating and said that Newton would only receive twenty-seven (27) portable radios, not forty-three (43) portable radios as requested. Chief Yoder

said that the original requested amount was for \$181,340 for forty-three portable radios and sixteen (16) mobile radios. He said that the twenty-seven (27) portable radios will give the department about one-third of what it needs. He further stated that the FCC has new guidelines and that the City of Newton is already in compliance with the regulations set for 2013 and 2017.

After a brief discussion on the compatibility of the portable radios with the existing equipment and patches that the County will use to enhance the communication process for all fire departments, Chief Yoder requested that the Council approve the acceptance of the Assistance to Firefighters Regional Grant of \$67,500 and to approve the Budget Ordinance amending the revenues and appropriations associated therewith for Newton's share of \$3,375.

A motion was made by Council Member Wayne Dellinger, seconded by Council Member Mary Bess Lawing, and unanimously adopted to approve the acceptance of the Assistance to Firefighters Regional Grant of \$67,500 and to approve the Budget Ordinance amending the revenues and appropriations associated therewith for Newton's share of \$3,375

Mayor Mullinax complimented Chief Yoder and his staff for the work they do.

**(ORDINANCE #2010-4 IS HEREBY REFERENCED AND
ON FILE IN THE OFFICE OF THE CITY CLERK)**

D. Consideration of Budget Ordinance to amend the Revenues and Expenditures for Z F Corporation Economic Incentives for Fiscal Year 2009-2010 for the City of Newton

Finance Director Serina Hinson reported that the City has three economic incentives with businesses within the City. Mrs. Hinson said that two of the business incentives have been properly reflected in the General Fund; however, Z F Lemforder Corporation was initially established as a Capital Project Fund.

Mrs. Hinson explained that a Capital Project Fund is normally established to capitalize an asset at the end of a project, and since there is no capitalized asset associated with the incentive for Z F Lemforder Corporation, it should not be in a Capital Project Fund. She said the proposed budget ordinance closes out the Z F Lemforder Corporation capital project and places the funds in the General Fund where it needs to be.

Mrs. Hinson explained to the Council how the funds for capital projects were initially set up, but indicated that it was not the proper way to do it. She said that there would be funds reverted back to the Electric Fund, Water and Wastewater Fund, and to the General Fund. Mrs. Hinson reported that the two payments have been made to Z F Lemforder Corporation in Fiscal Year 2008 (\$130,717.75) and Fiscal Year 2009 (\$129,434.79), and during this process, the Water and Wastewater Fund would reimburse the General Fund \$215,000 for the Burris Road Pump Station Capital Project.

Council Member Bill Lutz asked if this process was just an accounting matter. Mrs. Hinson said that it was an accounting matter and that the Staff was shifting accounts from one fund to another, placing money back into its original funds. She said that the funds

would be identified annually during the budget process, instead of being identified in a capital project over an extended period.

Mayor Mullinax thanked Mrs. Hinson and City Manager Clark for recognizing the need for the accounting change.

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe, and unanimously adopted to approve a Budget Ordinance to close out the Z F Lemforder Corporation Capital Project and to provide funding for the economic incentive for Fiscal Year 2010 within the General Fund.

**(ORDINANCE #2010-5 IS HEREBY REFERENCED AND
ON FILE IN THE OFFICE OF THE CITY CLERK)**

ITEM 9. CITY MANAGER'S REPORT:

City Manager Todd Clark reported on the following:

- Invited the Council Members to attend a webinar on the Ethics for Elected Officials that has been scheduled for March 25, 2010 in the Administration Department Conference Room from 4:00 p.m. to 6:00 p.m. This course fulfills a legislated requirement for all elected officials. All Council Members were encouraged to attend.
- Reminded the Council that the Essentials of Municipal Government course has been rescheduled for March 19-20, 2010.
- Reported that the Electric Conversion Project on West 6th, 7th, and 8th Streets, as far as the City's responsibilities, is completed. He said that there are poles to be removed and the Staff is waiting on other utility companies to make the switch over.
- Reported that the City had a successful Unity Day Celebration and recognized Stanford Gabriel, 2010 Unity Day Award recipient, who was in the audience.
- Reminded the Council and the public of the annual Council Planning Workshop scheduled for February 18 and February 19, 2010 in the City Hall Council Chambers beginning at 8:30 a.m.

ITEM 10. QUESTIONS AND COMMENTS FROM MAYOR AND COUNCIL:

Mayor Mullinax informed the public and the new Council Members that the annual Council Workshop is arranged on an hour-to-hour basis, that it would be informal, and one could come and go as they wished. He also stated that the Teen Leadership participants would attend during one of the sessions. He encouraged those interested to check the City's website for the agenda items.

ITEM 11. CLOSED SESSION TO DISCUSS A PERSONNEL MATTER – G.S. 143-318.11(A) (6):

Mayor Mullinax stated that the Council needed to have a Closed Session to consult a personnel matter.

A motion was made by Mayor Pro Tem Anne Stedman, seconded by Council Tom Rowe, and unanimously approved that the Council go into Closed Session.

After the Closed Session, Mayor Mullinax called the Council meeting back into regular session.

ITEM 12. **ADJOURNMENT:**

There being no further business to discuss, the meeting was recessed until February 18, 2010 for the annual Council Planning Workshop at 8:30 a.m., in the City Hall Council Chambers.

Respectfully submitted by:

Robert A. Mullinax, Mayor

Beunice R. (Bootsie) Roberts, CMC/City Clerk